

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VILLAGE OF BEDFORD PARK, CITY OF WARRENVILLE, CITY OF OAKBROOK TERRACE, VILLAGE OF OAK LAWN, VILLAGE OF ORLAND HILLS, CITY OF ROCKFORD, VILLAGE OF WILLOWBROOK, VILLAGE OF ARLINGTON HEIGHTS, VILLAGE OF BURR RIDGE, CITY OF DES PLAINES, VILLAGE OF LOMBARD, VILLAGE OF ORLAND PARK, VILLAGE OF TINLEY PARK, and VILLAGE OF SCHAUMBURG, individually and on behalf of others similarly situated,

Plaintiffs,

vs.

EXPEDIA, INC. (WA), HOTELS.COM, LP, HOTWIRE, INC., EGENCIA, LLC, TRIP NETWORK, INC., ORBITZ, LLC, INTERNETWORK PUBLISHING CORP. (d/b/a LODGING.COM), PRICELINE.COM INCORPORATED (n/k/a THE PRICELINE GROUP, INC.), TRAVELWEB LLC, TRAVELOCITY.COM, LP, SITE59.COM, LLC, PRICELINE.COM LLC, and DOES 1 THROUGH 1000, INCLUSIVE,

Defendants.

Civil Action No. 13-5633

Judge Matthew F. Kennelly

JOINT MOTION OF THE CITY OF OAKBROOK TERRACE AND CERTAIN DEFENDANTS TO DESTROY CERTAIN SEALED EXHIBITS TO THE CITY OF OAKBROOK TERRACE'S LOCAL RULE 56.1 STATEMENT OF MATERIAL FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

One of the Plaintiffs, the City of Oakbrook Terrace (the "City"), by and through its corporation counsel, Storino, Ramello & Durkin; the Defendants, Orbitz, LLC and Internetwork Publishing Corp. (d/b/a Lodging.com) (collectively the "Orbitz Defendants") by and through its attorneys, Elizabeth B. Herrington and Mark J. Altschul of the law firm of Morgan, Lewis &

Bockius LLP; and the Defendants, Priceline.com Incorporated (n/k/a The Priceline Group, Inc.) and Travelweb LLC, and Priceline.com LLC (collectively the “Priceline Defendants”) by and through its attorneys, Albert L. Hogan III and Marcella L. Lape of the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, pursuant to Local Rule 26.2(h) of the United States District Court for the Northern District of Illinois and Section 19(d) of the Agreed Confidentiality Order entered in this case, move for an order to have the Clerk of the United States District Court for the Northern District of Illinois destroy Exhibits 6, 8 and 9 to the City of Oakbrook Terrace’s Local Rule 56.1 Statement of Material Facts in Support of its Motion for Summary Judgment.

The City and all of the defendants, including but not limited to, the Orbitz Defendants and the Priceline Defendants, have fully settled, compromised and adjourned all matters in controversy for which this action was brought. Stipulations for Voluntary Dismissal of the Lawsuit Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) have been signed by the City and each of the defendants and filed with the Clerk of the United States District Court for the Northern District of Illinois.

Portions of the following exhibits to the City of Oakbrook Terrace’s Local Rule 56.1 Statement of Material Facts in Support of its Motion for Summary Judgment contained information that the respective defendant had designated as restricted information pursuant to the Agreed Confidentiality Order entered in this case:

1. Exhibit 6 - Orbitz Defendants’ Objections and Responses to Plaintiffs’ First Interrogatories to Defendants;
2. Exhibit 8 - Priceline Defendants’ Responses and Objections to Plaintiffs’ First Request for Admissions to Defendants; and
3. Exhibit 9 - Priceline Defendants’ Objections and Responses to Plaintiffs’ First Interrogatories to Defendants.

and were, therefore, filed with the court under seal.

Local Rule 26.2(h) of the United States District Court for the Northern District of Illinois permits a party to request that documents filed under seal be retrieved or destroyed. Therefore, the City, the Orbitz Defendants and the Priceline Defendants request an order that the Clerk of the United States District Court for the Northern District of Illinois destroy Exhibits 6, 8 and 9 to the City's Local Rule 56.1 Statement of Material Facts in Support of its Motion for Summary Judgment, which were filed under seal, or, in the alternative, that Exhibits 6, 8, and 9 be made available for retrieval by the Orbitz Defendants and the Priceline Defendants.

/s/ Richard J. Ramello

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2016, I caused to be electronically filed the foregoing *Joint Motion of the City of Oakbrook Terrace and the Certain Defendants to Destroy Certain Sealed Exhibits to the City of Oakbrook Terrace's Local Rule 56.1 Statement of Material Facts in Support of its Motion for Summary Judgment* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following at their e-mail addresses on file with the Court.

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